

Senate Bill 776

Coming Clean on Police Records
Senator Nancy Skinner, D-Berkeley

THIS BILL

For decades California was an outlier banning all public access to records on law enforcement officers. In 2018, SB 1421 passed providing for the first time in 40 years public access to a limited set of records related to an officer's use of force, sexual misconduct or on the job dishonesty.

SB 776 brings California closer to many other states including New York, Florida, Georgia, Ohio, and Washington by further expanding public access to records on wrongful arrests and wrongful searches, biased or discriminatory behavior and any and all uses of force. Additionally, SB 776 ensures that officers with a history of misconduct can't just quit their jobs, keep their records secret, and move on to another jurisdiction with their past actions not disclosed.

ISSUE

In 2018, SB 1421 (Skinner) was signed into law opening a limited set of records that had not been publicly available in four decades. The records SB 1421 covered were discharge of a firearm, use of force that caused death or serious bodily injury, investigations of verified sexual assaults, verified job related dishonesty, false statements, false reports, or evidence tampering.

Even with the passage of SB 1421, California remains an outlier when it comes to public access to police records. Many states recognize that disclosure of officer misconduct records or records on incidents related to biased or discriminatory behavior are basic transparency essential to building trust between law enforcement and the communities they serve.

Public access to records can reveal the thoroughness of law enforcement agencies internal investigations and the extent to which the agency disciplines employees. Access can also inform the public as to whether their local agency or the officer followed established protocols and can reveal the degree to which a local agency acts or reports on misconduct.

SOLUTION

SB 776:

- Expands access to records on officers who have engaged in:
 - any uses of force,
 - racist, homophobic, anti-Semitic or other discriminatory/biased actions,
 - wrongful arrests and wrongful searches
- Requires records to be established if an officer resigns prior to a completed investigation
- Mandates hiring agencies to review an officer's history of complaints, disciplinary hearings, and uses of force prior to hiring them
- Requires records be held longer than five years
- Allows agencies to charge only for the direct cost of duplication and not for costs related to editing or redacting records
- Adds civil fine and punitive damages for failure to release records

SUPPORT

Alliance for Boys and Men of Color
American Civil Liberties Union of California
Asian Americans Advancing Justice – CA
Asian Solidarity Collective
California Innocence Project
California League of Women Voters
California Newspaper Publishers Association
California Pan-Ethnic Health Network
California United for a Responsible Budget
Californians for Safety and Justice
City of Alameda
Community Advocates for Just and Moral Governance
Disability Rights California
Drug Policy Alliance
East Bay for Everyone
First Amendment Coalition
Friends Committee on Legislation of California
Loyola Project for the Innocent

National Association of Social Workers, California
Chapter
Northern California Innocence Project
Pillars of the Community
San Francisco District Attorney's Office
San Francisco Public Defender
Smart Justice California
Think Dignity
Voices for Progress
We The People – San Diego

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